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Europäisches
Patentamt

European
Patent Office

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des brevets

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Date

18.08.06

Reference	Application No./Patent No. 05727619.8 - 2119 PCT/JP2005006475
Applicant/Proprietor Matsushita Electric Industries Co., Ltd.	

Entry into the European phase before the European Patent Office

These notes describe the procedural steps required for entry into the European phase before the European Patent Office (EPO). You are advised to read them carefully: failure to take the necessary action in time can lead to your application being deemed withdrawn.

1. The above-mentioned international patent application has been given European application No. **05727619.8**.
2. Applicants **without** a residence or their principal place of business in an EPC contracting state may themselves initiate European processing of their international applications, provided they do so before expiry of the 31st month from the priority date (see also point 6 below).

During the European phase before the EPO as designated or elected Office, however, such applicants must be represented by a professional representative (Arts. 133(2) and 134(1), (7) EPC).

Procedural acts performed after expiry of the 31st month by a professional representative who acted during the international phase but is not authorised to act before the EPO have no legal effect and therefore lead to loss of rights.

Please note that a professional representative authorised to act before the EPO and who acted for the applicant during the international phase does not automatically become the representative for the European phase. Applicants are therefore strongly advised to appoint in good time any representative they wish to initiate the European phase for them; otherwise, the EPO has to send all communications direct to the applicant.

3. Applicants **with** a residence or their principal place of business in an EPC contracting state are not obliged to appoint, for the European phase before the EPO as designated or elected Office, a professional representative authorised to act before the EPO.
However, in view of the complexity of the procedure it is recommended that they do so.
4. Applicants and professional representatives are also strongly advised to initiate the European phase using EPO Form 1200 (available free of charge from the EPO). This however is not compulsory.



5. To enter the European phase before the EPO, the following acts must be performed.
(N.B.: Failure validly to do so will entail loss of rights or other adverse legal consequences.)

5.1 If the EPO is acting as **designated** or **elected** Office (Arts. 22(1)(3) and 39(1) PCT respectively), applicants must, within 31 months from the date of filing or (where applicable) the earliest priority date:

- a) Supply a translation of the international application into an EPO official language, if the International Bureau did not publish the application in such a language (Art. 22(1) PCT and R. 107(1)(a) EPC).

If the translation is not filed in time, the international application is deemed withdrawn before the EPO (R. 108(1) EPC).

This loss of rights is deemed not to have occurred if the translation is then filed within a two-month grace period as from notification of an EPO communication, provided a surcharge is paid at the same time (R. 108(3) EPC).

- b) Pay the national basic fee (EUR 95,00) and, where a supplementary European search report has to be drawn up, the search fee (EUR 720,00 ; R. 107(1)(c) and (e) EPC).
- c) If the time limit under Article 79(2) EPC expires before the 31-month time limit, pay the designation fee (EUR 80,00) for each contracting state designated (R. 107(1)(d) EPC).
- d) If the time limit under Article 94(2) EPC expires before the 31-month time limit, file the written request for examination **and** pay the examination fee (EUR 1490,00 ; R. 107(1)(f) EPC).
- e) Pay the third-year renewal fee (EUR 400,00) if it falls due before expiry of the 31-month time limit (R. 107(1)(g) EPC).

If the fees under (b) to (d) above are not paid in time, or the written request for examination is not filed in time, the international application is deemed withdrawn before the EPO, or the contracting-state designation(s) in question is (are) deemed withdrawn (R. 108(1) and (2) EPC). However, the fees may still be validly paid within a two-month grace period as from notification of an EPO communication, provided the necessary surcharges are paid at the same time (R. 108(3) EPC). For the renewal fee under (e) above, the grace period is six months from the fee's due date (Art. 86(2) EPC).

For an overview of search and examination fees, see OJ EPO 11/2005, 577 and 03/2006.

- 5.2 If the application documents on which the European grant procedure is to be based comprise more than ten claims, a claims fee is payable within the 31-month time limit under Rule 107(1) EPC for the eleventh and each subsequent claim (R. 110(1) EPC). The fee can however still be paid within a one-month grace period as from notification of an EPO communication pointing out the failure to pay (R. 110(2) EPC).

6. If the applicant had a representative during the application's international phase, the present notes will be sent to the representative, asking him to inform the applicant accordingly.

All subsequent communications will be sent to the applicant, or - if the EPO is informed of his appointment in time - to the applicant's European representative.



7. For more details about time limits and procedural acts before the EPO as designated and elected Office, see the EPO brochure

How to get a European patent
Guide for applicants - Part 2
PCT procedure before the EPO - "Euro-PCT"

This brochure, the list of professional representatives before the EPO, Form 1200 and details of the latest fees are now all available on the Internet under

<http://www.european-patent-office.org>

Receiving section





To the European Patent Office

Entry into the European phase (EPO as designated or elected Office)

European application number	EP05727619.8
PCT application number	PCT/JP2005/006475
PCT publication number	WO2005096431
Applicant's or representative's reference	P026455EP PP
1. Applicant Particulars of the applicant(s) are contained in the international publication or were recorded by the International Bureau subsequent to the international publication. Changes which have not yet been recorded by the International Bureau are set out here: Address for correspondence	<input checked="" type="checkbox"/> <input type="checkbox"/>
2. Representative 1 This is the representative who will be listed in the Register of European Patents and to whom notifications will be made Name Registration No Address of place of business Telephone Fax e-mail Any additional representative(s) is/are listed here:	Price, Mr Paul 00089910 D Young & Co 120 Holborn London, EC1N 2DY United Kingdom +44 (0) 20 7269 8550 +44 (0) 20 7269 8555 <input type="checkbox"/>
3. General Authorisation: An individual authorisation is attached. A general authorisation has been registered under No: A general authorisation has been filed, but not yet registered. The authorisation filed with the EPO as PCT receiving Office expressly includes the European phase.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
4. Request for examination Examination of the application under Art. 94 EPC is hereby requested. The examination fee is being (has been, will be) paid. Request for examination in an admissible non-EPO language:	<input checked="" type="checkbox"/> <input type="checkbox"/>
5. Copies One or more additional sets of copies of the documents cited in the supplementary European search report are hereby requested. Number of additional sets of copies	<input checked="" type="checkbox"/> 1
6. Documents intended for proceedings before the EPO 6.1 Proceedings before the EPO as designated Office (PCT I) are to be based on the following documents: the application documents published by the International Bureau (with all claims, description and drawings), where applicable with amended claims under Art. 19 PCT unless replaced by the amendments attached. Where necessary, clarifications should be attached as 'Other Documents'	<input type="checkbox"/> <input type="checkbox"/>

6.2 Proceedings before the EPO as elected Office (PCT II) are to be based on the following documents:

the documents on which the international preliminary examination report is based, including any annexes
unless replaced by the amendments attached.

Where necessary, clarifications should be attached as 'Other Documents'.

If the EPO as International Preliminary Examining Authority has been supplied with test reports, these may be used as the basis of proceedings before the EPO.



7. Translations

Translations in one of the official languages of the EPO (English, French, German) are attached as crossed below:

** In proceedings before the EPO as designated or elected Office (PCT I + II):*

Translation of the international application (description, claims, any text in the drawings) as originally filed, of the abstract as published and of any indication under Rule 13bis.3 and 13bis.4 PCT regarding biological material

Translation of the priority application(s)

It is hereby declared that the international application as originally filed is a complete translation of the previous application (Rule 38(5) EPC)

** In addition, in proceedings before the EPO as designated Office (PCT I):*

Translation of amended claims and any statement under Art. 19 PCT, if the claims as amended are to form the basis for the proceedings before the EPO (see Section 6).

** In addition, in proceedings before the EPO as elected office (PCT II):*

Translation of annexes to the international preliminary examination report



8. Biological material

The invention relates to and/or uses biological material deposited under Rule 28 EPC.

The particulars referred to in Rule 28(1)(c) EPC (if not yet known, the depository institution and the identification reference(s)) [number, symbols, etc.] of the depositor are given in the international publication or in the translation submitted under Section 7 on:

page(s) / line(s)

A copy of the receipt(s) of deposit issued by the depository institution is attached

will be filed at a later date

A waiver of the right to an undertaking from the requester pursuant to Rule 28(3) EPC is attached.



9. Nucleotide and amino acid sequences

The items required under Rules 5.2 and 13ter PCT and Rule 111(3) EPC have already been furnished to the EPO.

The sequence listing as part of the description is attached in PDF format.

The sequence listing does not include matter that goes beyond the content of the application as filed.

In addition, the sequence listing data is attached in computer-readable form in accordance with WIPO Standard 25.

The sequence listing data in computer-readable form in accordance with WIPO Standard 25 is identical to the sequence listing in PDF format.



10. Designation fees

10.1 It is currently intended to pay seven times the amount of the designation fee. The designation fees for all the EPC contracting states designated in the international application are thereby deemed to have been paid (Art. 2 No. 3 RFees).

10.2 It is currently intended to pay fewer than seven designation fees for the following EPC contracting states designated in the international application:

DE FR GB IT

10.3 It is requested that no communication under Rules 85a(1) or 69(1) need be notified in respect of the contracting states not indicated. If an automatic debit order has been issued, the EPO is authorised, on expiry of the basic period under Article 79(2), to debit seven times the amount of the designation fee. If less than seven states are indicated, the



EPO shall debit designation fees only for those states, unless it is instructed to do otherwise before expiry of the basic period.

11. Extension of the European patent

This application is also considered as being a request for extension to all the non-contracting states to the EPC designated in the international application with which "extension agreements" were in force on the date of filing the international application. However, the extension only takes effect if the prescribed extension fee is paid.

It is currently intended to pay the extension fee for the following states:

**12. List of enclosed documents**

	Description of document	Original file name	Assigned file name
1	Translation of the description as originally filed	P026455EPdespdf.pdf	DESCTRAN.pdf
2	Translation of the claims as originally filed	P026455EPclaims.pdf	CLMSTRAN.pdf
3	Translation of abstract as published	P026455EPabstract.pdf	ABSTTRAN.pdf
4	Translation of any text in the drawings as originally filed	P026455EPdraw.pdf	DRAWTRAN.pdf
5	Translation (in English) of the annex(es) to the international preliminary examination report.	P026455EPamend.pdf	IPERTRAN.pdf

13. Payment

Currency



EUR

14. Reimbursements (if any) should be made to the following EPO deposit account:

Number and account holder



D Young & Co, 28050042

15. Fees

		Factor/Reduction applied	Fee schedule	Amount to be paid
15-1	002e Fee for supplementary European search for applications filed before 01.07.2005	0.8	720.00	576.00
15-2	005 Designation fee	4	80.00	320.00
15-3	006e Examination fee (Euro-PCT without supplementary European search report)	1	1 490.00	1 490.00
15-4	015 Claims fee	0.	45.00	0.00
15-5	020 Basic national fee for an international application	1	95.00	95.00
15-6	033 Renewal fee for the 3rd year	1	400.00	400.00
15-7	055 Additional copy	1	25.00	25.00
	Total:		EUR	2 906.00

16. Annotations**17. Signature(s) of applicant(s) or representative**

Place: London, United Kingdom
 Date: 11.August 2006
 Signed by: UK, D. Young & Co., P. Price 10230
 Capacity: (Representative)